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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/731,414	12/09/2003	William L. Bong	ARC 03.002.CON	3937

7590 12/15/2004
Michael A. Kerr
Virtual Legal
Suite 211
777 E. William St.
Carson City, NV 89701



EXAMINER

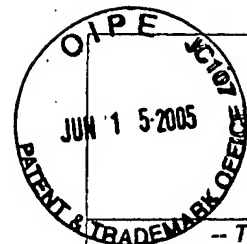
SHAW, CLIFFORD C

ART UNIT PAPER NUMBER

1725

DATE MAILED: 12/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



Office Action Summary

Application No.

10/731,414

Applicant(s)

BONG ET AL.

Examiner

Clifford C Shaw

Art Unit

1725

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 10-16 is/are rejected.
- 7) ☒ Claim(s) 8,9 and 17-20 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____.

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Detailed Action

1.) The specification and the oath are objected to. In the first paragraph of the specification, applicant states that the instant application is a continuation-in-part of application serial number 09/058,741, but applicant makes no mention of parent case 09/804,686. The instant application was filed as a continuation of 09/804,686, but applicant's oath makes no mention of application of C-I-P parent 09/058,741. Applicant is to amend the specification and provide a supplemental oath to reflect complete continuation data for the instant application.

2.) The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3.) Claims 1-3 and 14-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Hannahs (3,518,397). The patent to Hannahs (3,518,397) discloses a modular welding system with the features claimed including: an operator control module at element 35 that controls power supply 30 and wire feeder 22; a modular fixture component system which performs a particular type of weld associated with elements 10, 25-27, 45, 70, and the various elements connected thereto.

4.) Claims 10 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Cornell, Jr. (3,501,613). The patent to Cornell, Jr. (3,501,613) discloses a modular welding system with

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features claimed including: a boom associated with element 14 receiving welding wire 48; a wire feeder associated with element 42; and an operator's control module at element 36 as claimed.

5.) The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6.) Claims 4-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hannahs (3,518,397) taken with either one of Akutagawa (5,232,192) or Bernard et al. (2,818,494). It would have been obvious to have provide the system of Hannahs (3,518,397) with an articulated boom as claimed, the motivation being the teachings of either one of Akutagawa (5,232,192) or Bernard et al. (2,818,494) that it is advantageous to use an articulated boom in conjunction with welding equipment. (see figure1, element 1 and the discussion thereof in Akutagawa (5,232,192) and see the boom associated with elements 114 and 119 in Bernard et al. (2,818,494)).

7.) Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cornell, Jr. (3,501,613) as applied to claims 10 and 11 above, and further in view of Hannahs (3,518,397). It would have been obvious to have provided the system of Cornell, Jr. (3,501,613) with a power supply module as claimed, the motivation being the teachings of Hannahs (3,518,397) that it is advantageous for a welding power supply to be a separate module (see element 30 of Hannahs (3,518,397)).

8.) Claim 13 rejected under 35 U.S.C. 103(a) as being unpatentable over Cornell, Jr. (3,501,613) taken with Hannahs (3,518,397) as applied to claim 12 above, and further in view of Scheller (3,543,810). It would have been obvious to have provided the system of Cornell, Jr. (3,501,613) with a wire straightener, the motivation being the teachings of Scheller (3,543,810) that such is advantageous for feeding wire to a weld site (see element "WS" in Scheller (3,543,810)), thereby satisfying the claim.


9.) Claims 8, 9, and 17-20 are objected to for depending from rejected claims, but would be given favorable consideration if recast in independent form to include all of the limitations of the parent claims. None of the prior art of record teaches or suggests the stiffener fixture frame or the butt/tee fixture frame combined with the other claim elements as set forth in claims 8 and 9. None of the prior art of record teaches or suggests the weld torch rotator as set forth in claim 17, combined with the other claim elements. Claims 18-20 distinguish over the prior art of record at least because they depend from claim 17.

Any inquiry concerning this communication should be directed to Clifford C Shaw at telephone number 571-272-1182. The examiner can normally be reached on Monday through Friday of the first week of the pay period and on Tuesday through Friday of the second week of the pay period.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Thomas G. Dunn, can be reached at 571-272-1171. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Clifford C Shaw
Primary Examiner
Art Unit 1725

December 13, 2004



Notice of References Cited	Application/Control No. 10/731,414	Applicant(s)/Patent Under Reexamination BONG ET AL.	
	Examiner Clifford C Shaw	Art Unit 1725	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-2,818,494	12-1957	BERNARD ARTHUR A; et. al.	219/137.7
	B	US-3,501,613	03-1970	CORNELL ELLIOTT C JR	219/137.9
	C	US-3,518,397	06-1970	HANNAHS JAMES R	219/73.1
	D	US-3,543,810	12-1970	SHELLER ARTHUR P	219/137.8
	E	US-5,232,192	08-1993	Akutagawa, Masazumi	248/646
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

Please acknowledge receipt of the following by affixing hereon the United States Patent and Trademark Office date stamp and returning this card to our office.

Inventor: Bong, William L.
Filing Date: December 9, 2003
Application No: 10/731,414
Attorney: Michael A. Kerr (42,722)
Docket No.: ARC 03.002.CON
Title: MODULAR WELDING SYSTEM



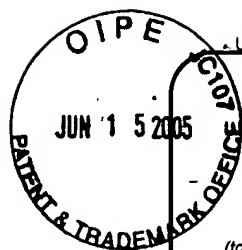
Papers Filed:

1. Transmittal Form (1 page)
2. Petition for Extension of Time (1 page)
3. Fee Transmittal (1 page)
4. Credit Card Payment Form (1 page)
5. Reply and Amendment Transmittal (14 pages)
6. Return Postcard (1 page)

Express Mail # ER 715515616 US



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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission 17

Application Number	10/731,414
Filing Date	12/09/2003
First Named Inventor	BONG, William L.
Art Unit	1725
Examiner Name	Shaw, Clifford
Attorney Docket Number	ARC 03.002.CON

ENCLOSURES ---- (Check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input checked="" type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	Reply to Office Action, Copy of Office Action,
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	Credit Card Payment Form, Return Postcard
	<input type="checkbox"/> CD, Number of CD(s) _____	
	<input type="checkbox"/> Landscape Table on CD	

☐ Certified Copy of Priority Document(s)

☐ Reply to Missing Parts/Incomplete Application

☐ Reply to Missing Parts under 37 CFR 1.52 or 1.53

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name Virtual Legal, P.C.

Signature

Printed name Michael A. Kerr

Date June 15, 2005

Reg. No. 42,722

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature

Typed or printed name Sherrada Fielder

Date June 15, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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